

# CITY OF HERCULES

## COMMUNITY AND BUSINESS DEVELOPMENT DEPARTMENT

TO: Vice-Chairman Leong and Members of the Planning Commission

FROM: Gary Hembree, Community and Business Development Director  
Dennis Tagashira, Associate Planner *DTagashira*

FOR: Meeting of October 25, 1995

SUBJECT: Review of Final Environmental Impact Report and Updated Land Use and Circulation Elements of the General Plan with Related Amendments to the Dynamite Redevelopment Project Plan

### 1. RECOMMENDATION

- a. That the Planning Commission adopt a resolution recommending to the City Council certification of the adequacy of the Final Environmental Impact Report No. FEIR 93-1 for the updated Land Use and Circulation Elements of the General Plan with Related Amendments to the Dynamite Redevelopment Project Plan; and
- b. That the Planning Commission adopt a resolution recommending to the City Council adoption of findings of fact, a statement of overriding considerations, and a mitigation monitoring and reporting program for the Land Use and Circulation Elements of the General Plan with Related Amendments to the Dynamite Redevelopment Project Plan.

2. PROJECT DESCRIPTION AND APPLICANT: The project consists of an update of the Land Use and Circulation Elements of the General Plan with related amendments to the Dynamite Redevelopment Project Plan (State Clearinghouse No. 94033034). The revised land use and circulation elements affect 24 separate parcels located throughout the City. The project is filed by the City's Community and Business Development Department.

3. EXISTING LAND USE: The main feature of the updated Land Use Element is the redesignation of 24 parcels which total approximately 600 acres. The attached Figure IV.A.1 from the EIR shows the location of the 24 parcels and the existing land uses. Figure III.2 indicates the boundaries of the Hercules Redevelopment Agency's Dynamite Redevelopment Project which would also be updated. The size of the parcels affected

by the changes in land use designation ranges from parcels of less than 2 acres to 130 acres. The proposed parcels to be redesignated are located mainly west of I-80 and along the State Route 4 corridor; most of the acreage is west of I-80.

The updated Land Use Element proposes land use classifications which presently exist in the adopted City General Plan. The updated Land Use Element redefines the land uses in the current General Plan, and creates new categories for some of the 24 parcels. The greatest change is the addition of mixed land use types, such as "planned commercial with residential" and "planned commercial with industrial" being permitted to be constructed on the same parcel. Previously, the adopted General Plan did not propose such mixed land use categories. The mixed land use type categories are part of a neotraditional planning philosophy which encourages a return to past neighborhood designs where there is less reliance on the automobile, and a greater emphasis on working near one's place of residence. The mixed land use designations encourage living/working/shopping integration without use of the automobile.

4. **GENERAL PLAN DESIGNATION AND CONFORMANCE:** All of the parcels lie completely within the City of Hercules and are subject to the policies of the City's General Plan. The General Plan consists of nine elements and outlines objectives, goals and policies to guide land use within the City's boundaries. The current General Plan was adopted in 1985, although individual elements have been updated and additional elements adopted since that time. The general plan update program revises the Land Use, and Circulation Elements, and the Dynamite Redevelopment Project Plan. Certifying the EIR and approving the revised Land Use and Circulation Elements would allow the City to adopt the revised Elements which would bring the City into closer conformity with Association of Bay Area Governments (ABAG), and regional government's housing goals and objectives. It is anticipated that approval of an updated Housing Element and minor conforming changes to other General Plan Elements will occur after the revised Land Use and Circulation Elements are in place.
5. **ENVIRONMENTAL DETERMINATION/PROJECT HISTORY:** Staff conducted an environmental analysis for the proposed land use and circulation changes and notified interested agencies and parties with a Notice of Preparation for an Environmental Impact Report on February 22, 1993. A Draft EIR was prepared and circulated to 75 different agencies on February 6, 1995. The public review comment period deadline ended April 3, 1995. Nineteen letters were received during the public comment period. Additional letters were received following the conclusion of the public comment period. Six joint workshops were conducted on February 27, March 1, March 8, July 8, July 10, and August 24, 1995, with the City Council and the general public. The Planning Commission conducted public hearings on April 3 and June 19, 1995, receiving testimony and general comments on the Draft EIR.
6. **SURROUNDING LAND USE AND ZONING:** The Hercules Properties, Inc. and Hercules Point parcels are in the process of clean-up and remediation of their sites, demolishing existing freestanding structures and improvements. The remaining 22 parcels are for the most part vacant and undeveloped. There are a variety of different

land uses and zoning designations adjacent to the 24 parcels. Figure IV.A.1 in the FEIR graphically describes existing land uses of the parcels and surrounding land uses.

## 7. ANALYSIS:

a. **General Discussion:** The California Environmental Quality Act (CEQA) is California's broadest environmental law. The objectives of the law and procedural requirements are as follows:

1. To disclose to decision makers and the public the significant environmental effects of proposed activities through environmental impact reports, negative declarations, and initial studies.
2. To identify ways to avoid or reduce environmental damage through mitigation measures, alternatives, and mitigation monitoring programs.
3. To disclose to the public reasons for agency approvals of projects with significant environmental effects through findings and statements of overriding considerations.
4. To foster interagency coordination through early consultation, scoping meetings, notices of preparation, and State Clearinghouse review.
5. To enhance public participation through public notice requirements, response to comments and availability of documents.

CEQA sets forth a series of procedural requirements to ensure that each of the law's objectives is accomplished. The fundamental premise on which CEQA is based is that environmental protection can be achieved through compliance with rigorous, action-forcing procedures.

b. **Steps in the EIR Review Process.** The following section outlines the steps for certifying an EIR under CEQA and indicates the dates the City completed the required steps:

1. Notice of Preparation sent to Responsible and Trustee Agencies. (February 22, 1993)
2. Responses to Notice of Preparation sent to Lead Agency within 30 days (March 22, 1993)
3. Draft EIR prepared; consultant retained (City selects Environmental Science Associates, Inc. to write the DEIR and DKS to conduct traffic analysis)
4. Draft EIR submitted for review (City mailed out February 6, 1995)
5. Public Notice and Review, 30 to 45 days (Deadline April 3, 1995)
6. Public hearing, optional (City conducted 6 joint meetings with the Planning Commission and City Council on February 27, March 1, March 8, July 8, July 10, and August 24, 1995)
7. Written comments received (until April 3, 1995)
8. Response to comments sent to commenting agencies for review, 10 days (Sent

June 9, 1995)

9. Planning Commission recommends certification to City Council on adequacy of Final EIR (To be determined)
10. Lead Agency makes decision on project (To be determined by City Council)
11. Findings written and adopted (To be reviewed with recommendation by Planning Commission; City Council reviews and adopts)
12. Mitigation reporting and monitoring program adopted (To be reviewed with recommendation by Planning Commission; City Council reviews and adopts)
13. Notice of Determination filed and posted within 5 working days of project approval (To be determined)
14. Fish and Game review fee paid to County (To be determined)

c. **Lead Agency.** An EIR is a detailed informational document prepared by a lead agency, in this case, the Community and Business Development Department acting on behalf of the City of Hercules, that analyzes a project's significant effects and identifies mitigation measures and reasonable alternatives.

d. **Program EIR.** The City of Hercules has chosen to prepare a program EIR analyzing the environmental impacts of revising the land use and circulation elements, redesignating 24 different parcels. A program EIR analyzes a series of actions that are closely related. When subsequent activities are proposed, an Initial Study must be used to determine whether additional CEQA documents (EIR or negative declaration) must be prepared because of significant effects not examined in the original program EIR.

e. **Contents of FEIR.** The Final Environmental Impact Report (FEIR) for the revised Land Use and Circulation Elements consists of the following documents:

1. Volume I contains the revised EIR text and Response to Comments.
2. Volume II contains the Appendices Section.
3. FEIR Addendum contains revisions to address changes recommended by the General Plan Subcommittee.

In addition to certifying the FEIR, the City must adopt CEQA findings, a statement of overriding considerations, and a mitigation monitoring program.

f. **Explanation of Increase in Density Range From 7-10 to 7-12 DU's Per Acre.** This section presents an explanation as to how the density for the "multi-family-low density" residential category was changed from 7-10 dwelling units per acre to 7-12 dwelling units per acre.

The following chart compares the proposed residential designations to the dwelling units per acre and corresponding zoning classification:

<u>General Plan Designation</u>	<u>DU's/Acre</u>	<u>Corresponding Zoning</u>
Single Family Estate	1-2 du/ac	RE-1, RE-1/2
Single Family-Low Density	2-7 du/ac	R-1
Single Family-Medium Density	7-12 du/ac	R-1, R-2
Multi-Family-Low Density	7-12 du/ac	R-2
Multi-Family-Medium Density	12-30 du/ac	R-3, R-4
Multi-Family-High Density	30-55 du/ac	R-4, R-5

If the "multi-family - low density" category were to be changed to a 7-10 dwelling unit per acre designation, there would be an inconsistency between categories; the "single family - medium density" category would be allowed to build at a higher threshold, 12 dwelling units per acre than the "multi-family - medium density" category. Usually medium density residential projects are developed at a slightly higher per residential unit range than the single family projects.

In addition, should the "multi-family - low density" category be change to 7-10 dwelling units per acre, the "multi-family - medium density" category should also be revised downward to 10-30 dwelling units per acre to avoid a "gap" in the allowable residential units which could be developed on the properties.

- g. It should be noted in review of the FEIR that minor discrepancies have been noted in the acreage amounts used in the environmental analysis calculation of individual parcels. In all instances, these discrepancies are minor and do not affect the environmental analysis conducted for the project. For example, the MRB site is listed as containing 5.6 acres in the FEIR document, the correct acreage is 6.64 acres; the ORB site is listed as 3.5 acres in the FEIR; the correct acreage is 3.81 acres. This is a minimal discrepancy and does not affect the overall environmental analysis of the development suggested in the Land Use Element Update.

## 8. CHANGES RECOMMENDED BY THE GENERAL PLAN SUB-COMMITTEE

On August 24, 1995, a general plan sub-committee consisting of City Council and Planning Commission members met to discuss revisions to the land use and circulation elements. The following section summarizes the changes the sub-committee recommended and the corresponding changes to the text:

1. Designate the entire 121-acre Hercules Properties, Inc. property including Hercules Point, as a "special study area". Insert a section in the land use element which would require the parcel to undergo a planned unit development review based on the following circumstances; the HPI site contains a diversity of uses, special drainage, hydrological, historic, commuter rail station opportunities.

Insert new text to page 24, Land Use Element: "Program 8A.3. Designate the Hercules Properties, Inc. parcel as a "special study area" which requires a "planned unit development" since the HPI parcel exhibits the following unique characteristics:

- Historic significance and existing historic buildings
- Opportunities for railway transit facilities
- Drainage and hydrology issues
- Bay frontage location
- Diversity of land uses
- Coordination with adjacent properties with consistent land uses and street system"

Delete the last paragraph of page III-5 of the Final EIR: "Master or Specific Plans may be needed to further define objectives for development in certain areas of the City. For example, the Community Panel report discusses the need for further or 'Concurrent Studies,' for the historic town center and bay shore areas (Community Panel, 1993). Under the updated Land Use Element, these two areas would require a specific plan. Ultimately, the City's Zoning Ordinance, in conjunction with the General Plan, would provide the framework for implementation of the objectives."

2. Revise EIR and land use text to reflect that development will use mid-ranges of the residential densities, a 10% inclusionary housing requirement will be required for affordable housing, in-lieu fees will not be acceptable unless unusual circumstances exist.

Insert on page 30, Land Use Element, continuation of discussion of the Land Use Plan, at the end of the 2nd paragraph: "On the average, considering all residential development recommended in the Land Use Element, residential development shall be developed at the mid-range density within each residential land use category".

Change to page 40, Land Use Element, Single Family - Medium Density (SFM), "Mid-range density: 9 units/acre"

Change to page 41, Land Use Element, Multi-Family - Low Density: (ML), "Mid-range density: 9 units/acre"

Change to page 41, Land Use Element, Multi-Family - Medium Density: (MM), "Mid-range density: 20 units/acre"

Change to page 42, Land Use Element, Multi-Family - High Density (MH), "Mid-range density: 42 units/acre"

Insert new text to page 21, under Policy 5A of the Land Use Element: "New residential development will include a minimum 10% of the total number of units for affordable housing. No in-lieu fees will be allowed to be accepted by the City unless the developer can provide extenuating circumstances for not providing affordable housing."

Revise page 22, Land Use Element, Policy 5C.1, "Develop an affordable housing strategy which includes an inclusionary requirement of providing a minimum of 10% of the residential units for affordable housing, and an implementation plan, including financial and non-financial incentives for the development of such housing."

3. In the preamble or vision statement of the general plan, mention "quality of life" and the total mid-range unit count of 2,575. See the City Council Vision Statement for the General Plan.
4. Research increase in height limitation request from Georgia Kelley at the special meeting of the City Council/Planning Commission conducted on February 27, 1995, page 10, 7th paragraph, and in a letter dated March 28, 1995, page VIII.A-44 of Final EIR; response to comment on page VIII.A-51: "The FEIR analysis of Visual Quality has been revised to allow for the possibility that the City Council may revise upward the maximum height of buildings in the Planned Commercial-Residential designation (see pp. IV.E-19 and 24)
5. Verify that Highway 4 is designated as a "scenic highway." See page III.23, b of the Draft Circulation Element. "San Pablo Avenue and State Route 4 are designated as scenic routes in the City."

Revise text on page III.15, Circulation Element, last paragraph to read: "State Route 4 presents outstanding scenic qualities along its corridor, i.e. the Franklin Canyon Golf Course."

6. Recognize Bayside Park as a neighborhood park not a community park in the Land Use map.
7. Revise text to include joint planning focus, particularly for larger parcels; to address, for example, HPI, Gelsar and Penterra.
8. Strengthen the updated Land Use Element's text to "restrict grading" and "make a good faith effort to preserve the natural topography."

Revise page 28, Land Use Element, after Policy 14A.3: "Policy 14B Preserve and/or enhance the existing natural topography through a good faith effort to limit grading, excavation and filling practices during development".

9. Clarify and exclude flood control projects and wetlands from calculations associated with the requirement of park space, parks.

Insert on page 23, Land Use Element, after Policy 6B: "Policy 6C Wetlands mitigation, flood control improvements and riparian corridors shall not be used in the calculation of required park space, parks or recreational areas."

NOTE: This change may require definitional review of usable open space and parkland, and require a subsequent modification to the Open Space Element.

10. Revise text and state that LOS D is the standard to be maintained on residential streets. Variances to LOS D will be permitted if there is a benefit to the city. The objective is to preserve LOS D on Sycamore Avenue.

Revise page III.22 of the Circulation Element and reinsert the deleted text at the top of the page to read: "For health, safety and general welfare, it is the City's policy to provide adequate levels of traffic service throughout the City. Level of Service D or better is the city wide standard for traffic operating conditions during peak hours on residential streets and intersections, and especially along Sycamore Avenue as identified on page 4 of the Growth Management Element, D1. Level of Service E for the commercial/industrial development is acceptable under the following conditions: 1) Striving for off-peak uses, 2) producing living wage jobs, 3) generating city revenue and/or, 4) proposing development that is otherwise highly desirable community-wide."

11. The EIR should state if 3,860 or 2,575 units would contribute to LOS E.
12. Research of the Open Space and Growth Management Elements did not disclose the requirement for a 20-acre park.
13. The 150 foot buffer around a riparian area is a U.S. Army Corps of Engineers requirement which will be required to be maintained.
14. Insert text and map that the Shoreline Trail will be required.

Revise Program 14A.2 on page 27 of the Land Use Element to allow this trail to pass through private property upon acquisition of necessary right-of-way.

15. Insure that funds collected from developers for the creation of school facilities should be designated for Ohlone School, and be spent on facilities within the city.

Add to Impact Schools-1: Mitigation Measures Identified in this EIR on page IV.F-19 of the Final EIR: "The West Contra Costa Unified School District shall provide

documentation that funds collected from developers and builders in the City are being utilized within the incorporated limits of the City of Hercules. In the event that development fees collected from developers are not needed for the construction of a new school, those funds collected will be used for Ohlone School."

16. Include in the preamble section that the City desires to strive for development at the mid-point density ranges, and that the total overall development is not to exceed 2,575 housing units.
17. School funds under City control and not required for new school construction shall be used for improvements to Ohlone School. The following should be added to Impact Schools-1: Mitigation Measures Identified in this EIR on page IV.F-19 of the Final EIR: "The West Contra Costa Unified School District shall provide documentation that funds collected from developers and builders in the City are being utilized within the incorporated limits of the City of Hercules. In the event that development fees collected from developers are not needed for the construction of a new school, those funds collected will be used for Ohlone School."
18. Single family zero lot or cluster lot development may be considered as an alternative development density and product type on Parcels B and C to allow affordable housing to be developed while retaining the single family characteristics of the existing neighborhood.

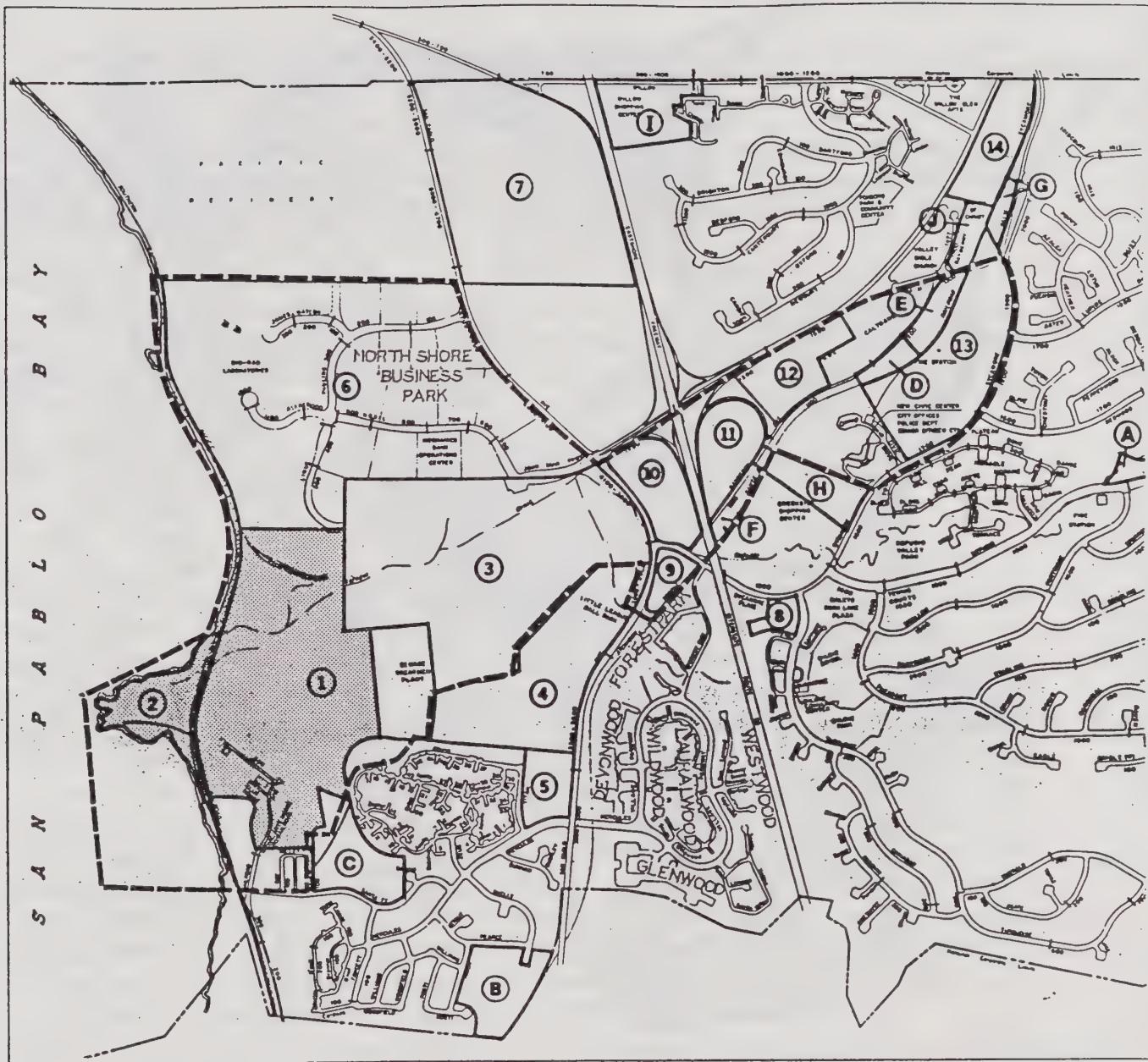
9. ISSUES FOR COMMISSION CONSIDERATION: The Planning Commission should consider the following:

- a. Whether the requirements of the California Environmental Quality Act have been complied with. (See "Steps in the EIR Review Process")
- b. If the "Response to Comments" section in "Volume I: EIR Text" adequately addresses the comments received during the public comment period, public hearings and joint workshops.
- c. If the draft resolution for the Findings and Statement of Overriding Considerations adequately summarizes the CEQA reasoning process and addresses impacts which cannot be mitigated to a level of insignificance.
- d. If the proposed "Mitigation Monitoring Program" adequately addresses responsibility for mitigating significant environmental impacts.
- e. Whether to approve the proposed amendments to the Land Use and Circulation Elements of the General Plan and related amendments to the Dynamite Redevelopment Plan.

10. ACTION REQUIRED: Not applicable.

## 11. ATTACHED EXHIBITS:

- a. General Plan Maps Figures III.2 and IV.A.1
- b. FEIR, Volumes I and II (distributed June 19, 1995)
- c. Draft Resolutions Containing the Statement of Overriding Considerations and Findings, and Certifying the FEIR
- d. Mitigation Monitoring Program
- e. FEIR Addendum



## PROPERTIES ANALYZED IN THE MEA

**1 Hercules Properties, Inc.**

**2 Hercules Point**

**3 Gelsar Inc.**

**4 Hercules Inc./San Pablo Site**

**5 MRB Site**

**6 North Shore Business Park**

**7 ANR Site**

**8 Hercules Square Site**

**9 ORB Site**

**10 BART Site**

**11 I-80 Exit Loop Site**

**12 TABCO Site**

**13 Sycamore Site**

**14 Five Giants Site**

2000

East

Foot

### **ADDITIONAL PARCELS**

A Church of Nazarene	F Carone Sycamore
B McLeod Family	G Old ATSF
C Citation	H Creekside
D Carone-1	I Willow Center
E Carone-2	J Church of Christ

— — — Hercules Redevelopment Agency  
(Dynamite Redevelopment Project )



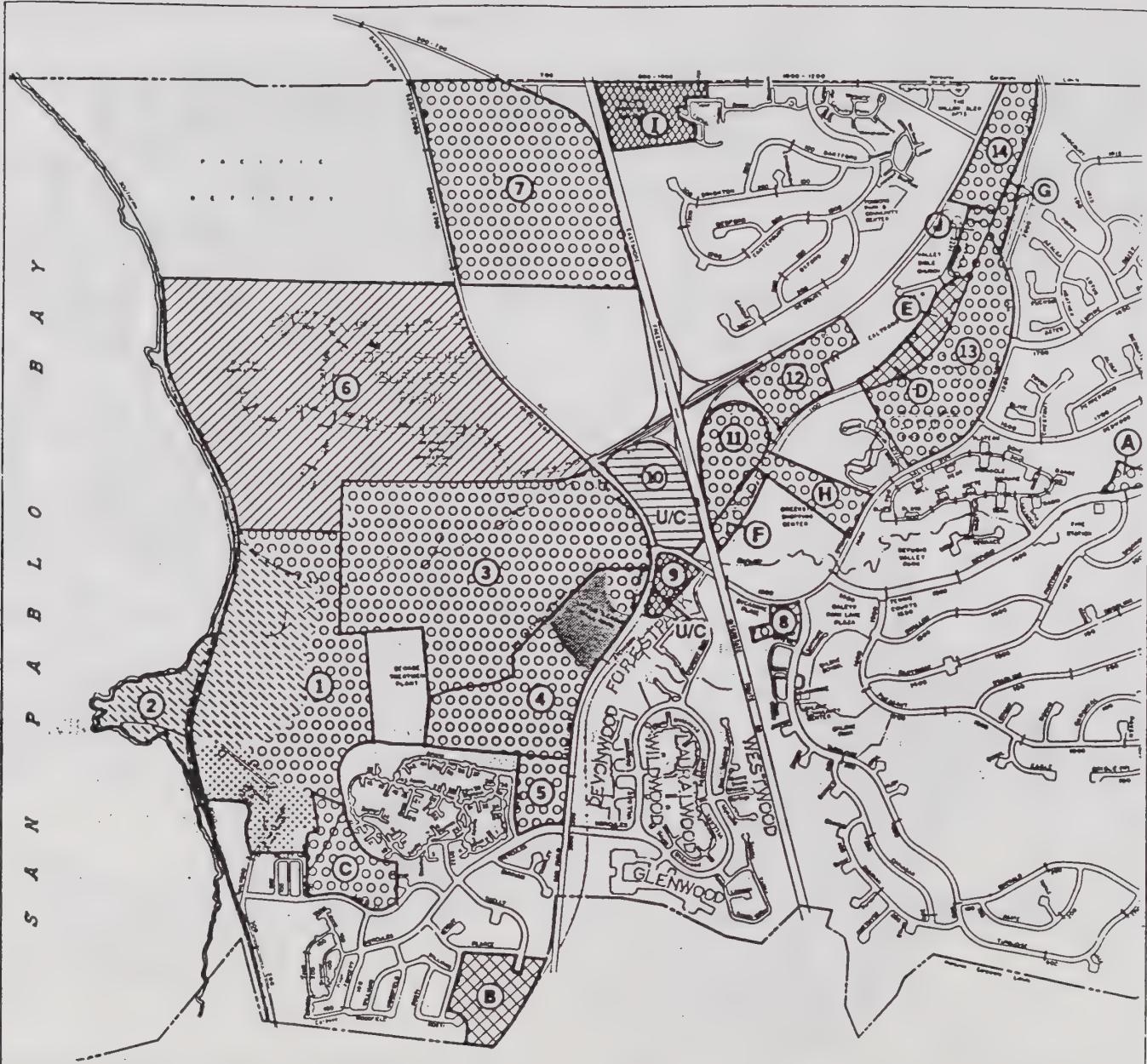
## **Special Study Area Requiring Planned Unit Development**

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SOURCE: Environmental Science Associates, Inc.

- Hercules General Plan Land Use and Circulation Elements Update / 930314 ■

Figure III.2  
Parcel Locations



(1) / (A) Parcel Reference

[Vacant/Open Space Pattern]	Vacant / Open Space	[Historic District Pattern]	Historic District
[Business Park Pattern]	Business Park	[Commercial Pattern]	Commercial
[Former Industrial Site Pattern]	Former Industrial Site	[Commercial/Storage Pattern]	Commercial / Storage
[Recreation Pattern]	Recreation	[Public/Semi-Public Pattern]	Public / Semi-Public
U/C	Under Construction		

0 2000  
Feet

SOURCE: Environmental Science Associates

Hercules General Plan Land Use and Circulation Elements Update / 930314 ■

Figure IV.A.1  
Existing Land Use

## **RESOLUTION NO. FEIR 93-1**

### **A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL, APPROVAL OF CEQA FINDINGS, THE GENERAL PLAN LAND USE AND CIRCULATION ELEMENTS UPDATE AND THE REDEVELOPMENT PLAN AMENDMENTS**

The Planning Commission of Hercules hereby adopts and makes the following Findings ("Findings") pursuant to the California Environmental Quality Act for the General Plan Land Use and Circulation Elements update and Redevelopment Plan Amendments.

#### **I. INTRODUCTION**

##### **A. THE ENVIRONMENTAL IMPACT REPORT**

The City prepared an Initial Study under the California Environmental Quality Act ("CEQA") to determine whether an Environmental Impact Report ("EIR") or a negative declaration would be prepared for the Project. The Initial Study indicated that the Project could have significant adverse environmental impacts, and the City directed that an EIR be prepared. The City circulated a Draft Environmental Impact Report ("Draft EIR" or "DEIR") on February 6, 1995, for review and comment by affected public agencies and interested members of the public. The public review period of the Draft EIR was in excess of 45 days. Joint public workshops were held by the Hercules City Council and Planning Commission on February 27, March 1, and March 8, 1995 in order to provide information regarding the Draft EIR to the public, and to receive comments and respond to questions regarding the document. The public comment period ended on April 3, 1995. The City Planning Commission held a public hearing for the purpose of receiving oral testimony regarding the Draft EIR on April 17, 1995. At the conclusion of the public hearing, the Planning Commission directed that a Final Environmental Impact Report ("Final EIR" or "FEIR") be prepared.

The City prepared written responses to comments received during the comment period and at the public workshops and public hearing. The FEIR, including all comments and responses, was published and made available to affected agencies and the public on June 9, 1995. A public hearing was held before the Planning Commission on June 19, 1995. After reviewing the FEIR and all available testimony and evidence in the record, the City Planning Commission has recommended certification of the Final EIR as having been completed in accordance with CEQA.

For the purposes of these findings, the FEIR consists of the Initial Study, Volumes I and II of the Final EIR, the accompanying FEIR Addendum, and all documents incorporated by reference therein.

## B. SCOPE OF THESE FINDINGS

CEQA Guidelines in Section 15091 require that a project's significant environmental impacts identified in an EIR be addressed by one of three findings, as set forth in 15091(a). To insure that all significant project impacts are identified, and necessary findings made, these Findings list the significant impacts and mitigation measures identified in the Project EIR and set forth the corresponding required findings. These Findings also list the Project impacts that are less-than-significant and, where appropriate, mitigation measures for these impacts. Some of the beneficial effects of the Project are provided in these Findings. Except as expressly modified by the Planning Commission, all mitigation measures identified in the Final EIR have been incorporated into the Project.

## C. DESCRIPTION OF THE RECORD

For purposes of CEQA, and these Findings, the record of administrative proceedings before this Commission includes, without limitation, the following:

1. The 1995 Draft EIR including appendices thereto, and the Final EIR;
2. All City staff reports on the Project and the EIR;
3. All studies conducted for the Project and the EIR, and contained or incorporated by reference in the EIR, including appendices;
4. All public reports and documents prepared for the Planning Commission or the City;
5. All documentary and oral evidence either received and reviewed at, or obtained as a result of, public workshops and public hearings relating to the Project and the EIR before the City Council and Planning Commission;
6. The minutes, transcripts, and other records for all public workshops and public hearings related to the Project and the EIR before the City Council and Planning Commission;
7. All applicable City ordinances, resolutions and planning documents;
8. The Mitigation Monitoring Program for the General Plan Land Use and Circulation Elements and Redevelopment Plan Amendments;
9. All matters of common knowledge to this Commission, including, but not limited to (i) the City's fiscal status; (ii) the City's policies and regulations; (iii) reports, projections and correspondence related to development within and

surrounding the City; and (iv) state laws, regulations and publications, including all reports and guidelines published by the California Office of Housing and Community Development and by the California Office of Planning and Research;

10. All public records in files maintained by the City relative to the Project;

## D. GENERAL CONDITIONS

### 1. Reliance on the Record

Each and all of the findings and determinations contained herein are based upon competent and substantial evidence, both oral and written, contained in the entire record relating to the Project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects.

### 2. Summaries of Impacts, Mitigation Measures, Facts, Alternatives and Other Matters

All summaries of information relating to the Project are based on the referenced environmental documents and/or other substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact. Moreover, the summaries set forth below, including, without limitation, summaries of impacts, mitigation measures and alternatives, are only summaries. Cross-references to the Final EIR and other documents in the record have been made and the reader should refer directly to those documents for more precise information regarding the facts on which the summary is based.

### 3. Adoption of Mitigation Measures

These findings are based upon the numerous mitigation measures set forth in the Final EIR which reduce or eliminate potential impacts. This Planning Commission hereby adopts and incorporates those mitigation measures set forth in the Final EIR, except for mitigation measures specifically identified for consideration in the future. All of the mitigation measures by these findings shall be implemented in connection with the adopted Mitigation Monitoring Program. The mitigation measures set forth in these findings can reasonably be expected to reduce adverse impacts of the General Plan Land Use and Circulation Elements update.

## **II. LESS-THAN-SIGNIFICANT PROJECT IMPACTS FOR WHICH NO MITIGATION IS PROVIDED**

The Planning Commission finds that certain potential impacts evaluated in the Final EIR will cause a less-than-significant impact and do not require mitigation. These less-than-significant impacts are listed on page II-60 through II-71 of the FEIR.

## **III. SIGNIFICANT BUT MITIGABLE IMPACTS**

The Planning Commission finds that certain potential impacts evaluated in the FEIR will cause a significant adverse environmental effect prior to mitigation. The Planning Commission has adopted mitigation measures to reduce these significant impacts to a level of insignificance. These significant but mitigable impacts are listed on pages II-25 through II-59 of the FEIR.

## **IV. SIGNIFICANT UNAVOIDABLE IMPACTS**

Facts. The FEIR summarizes the Project's significant unavoidable impacts on pages II-13 through II-24. CEQA requires that significant unavoidable impacts of the Project be described.

The Project has avoided all potentially significant impacts to the extent feasible. Even after mitigation, the following impacts remain and are identified as significant unavoidable impacts.

- A. Transportation and Circulation. Project development consistent with the proposed Land Use and Circulation elements would contribute to unacceptable levels of service at the San Pablo Avenue/John Muir Parkway and San Pablo Avenue/Sycamore Avenue intersections, and the I-80 freeway. All feasible mitigations have been identified and adopted to mitigate this impact; these mitigations are listed under the "mitigation proposed as part of the project", "mitigation identified in other General Plan Elements," and "mitigation identified in this EIR" columns on pages II-13 through II-19.
- B. Public Services and Utilities. Project development consistent with the proposed Land Use and Circulation Elements Update would increase the number of students served by the West Contra Costa Unified School District, and increase the need for neighborhood and community parks. All feasible mitigations have been identified and adopted to mitigate these impacts; they are listed under the "mitigation proposed as part of the project", "mitigation identified in other General Plan Elements," and "mitigations identified in this EIR" columns on pages II-20 through II-21.

- C. Hazardous Materials. Generation of hazardous waste by new industries would add to cumulative hazardous waste disposal requirements in the County. Clean up and disposal of contaminated soils within the project area would increase the cumulative burden on existing landfill storage capacity. Mitigation measures are proposed as part of this project on page II-22.
- D. Air Quality. Project development under the proposed Land Use and Circulation Elements Update would generate air pollutants that would increase total air pollutant emissions in the region, in addition, increases in population and employment beyond ABAG projections would not be in conformance with the 1991 Clean Air Plan. All feasible mitigations have been identified and adopted to mitigate these impacts; they are listed under the "mitigations proposed as part of the project," "mitigation identified in other General Plan Elements," and "mitigation identified in this EIR" on page II-23 and II-24.

## V. STATEMENT OF OVERRIDING CONSIDERATIONS

Following a determination that significant impacts remain after the adoption of all feasible mitigation measures, approval of a project must be accompanied by a Statement of Overriding Considerations. CEQA requires the benefits of a project to be balanced against its significant unavoidable impacts in determining whether to approve the project (CEQA Guidelines Section 15093). The FEIR discusses numerous potential direct and cumulative impacts that could result from the Project. Four of these would result in unavoidable impacts. These unavoidable impacts are set forth in Section IV, herein.

The Planning Commission has determined that the benefits of the Project outweigh these unavoidable adverse environmental impacts. In making this determination, the following factors and public benefits were considered and comprise the Statement of Overriding Considerations. The Statement of Overriding Considerations is being adopted after full consideration and adoption of all feasible mitigation measures. The benefits of the project are:

- A. Social and Economic Benefits. The creation of new jobs and increased generation of revenues would provide greater employment opportunities for the residents of Hercules, and allow existing residents to live and work within the same community.
- B. Creation of Jobs. The creation of new jobs and increased generation of revenues would allow a greater number of residents who currently rent or lease a dwelling unit to be able to afford to purchase a home and to live and work in the same city. It would also bring Hercules closer to a balance of number of housing units to number of jobs.

- C. Affordable Housing. The creation of additional housing as well as increased affordability through Redevelopment Agency funding would provide housing available for all economic segments of the community.
- D. The Project is vital to meeting Hercules' growth needs. Planning for and developing mitigations for continued growth preserves and maintains benefits currently enjoyed by residents and demonstrates sensitivity and responsiveness to the needs of the community.
- E. Development of parcels consistent with the Land Use and Circulation Elements Update will allow new companies and businesses to locate and expand its workforce which would represent jobs new to the City, providing a source of new tax revenue.
- F. Development of the properties identified in the Land Use and Circulation Elements Update will be a significant contribution to the Redevelopment Agency and will provide a catalyst for the Agency to implement its plan by adding significant amounts to redevelopment funds which will increase incrementally in future years.
- G. Development of larger parcels identified in the Land Use and Circulation Elements Update will result in a comprehensive development and will preclude fractionalization or piecemeal development of the sites. The opportunity to establish consistent and integrated land uses is a benefit to the City.
- H. The Project will contribute to the tax base of the City through sales tax revenues generated by local businesses, from additional businesses and employees, and will positively impact the assessed property value.
- I. The development of individual parcels identified in the Land Use and Circulation Elements Update will expand Hercules' workforce which in turn will generate significant additional business license taxes which will have a substantial and positive impact on the City's General Fund.
- J. Development of the parcels identified in the Land Use and Circulation Elements Update will result in wetlands being preserved, active and passive recreational opportunities being created for residents west of San Pablo Avenue and a trail being linked to a regional system.

## VI. ALTERNATIVES

Most of the significant effects that cannot be mitigated would occur under each alternative, including the No Project Alternative. That is, unavoidable traffic impacts would result at the intersections of San Pablo Avenue/John Muir Parkway and San Pablo Avenue/Sycamore Avenue under each alternative analyzed, including the No

Project Alternative. Freeway operations on Interstate 80 also would be at LOS F with all alternatives. In each case, as is described in EIR Section IV.B, Transportation, traffic passing through Hercules (and unrelated to the proposed Land Use Element Update) would contribute substantially to severe congestion on both San Pablo Avenue and Interstate 80 by 2010, and project-generated traffic would further degrade what would be already poor operating conditions. Project-generated demand for school enrollment would aggravate an existing and projected future shortfall in capacity that would occur with all alternatives, including the No Project Alternative. All alternatives would result in increases in the cumulative hazardous waste disposal requirement in Contra Costa County; the No Project Alternative, because it would involve more industrial land use than the other alternatives, would be anticipated to have the greatest increase in demand for hazardous waste disposal. All alternatives, including the No Project Alternative, would result in substantial and significant emissions of criteria air pollutants; all alternatives except the No Project Alternative would be inconsistent with the 1991 *Clean Air Plan*.

Regarding effects on parks, all alternatives, including the No Project Alternative, would result in shortfalls in park acreage in the 2010 cumulative scenario. Alternatives A (No Project), B (Commercial Emphasis), and D (Reduced Density) would meet all Growth Management Element Standards, with shortfalls of two acres or less in Neighborhood Parks in the cumulative scenario.

The No Project Alternative would not result in commercial development that would help meet the City's goals of preserving the community's quality of life with well-balanced growth and development and enhancing and creating a community with a wide range of choices, services and amenities. The Commercial Emphasis Alternative would further the City's goals. However, it is not clear that the level of commercial development anticipated with the proposed Project could be achieved, and the greater level of commercial development foreseen in the Commercial Emphasis Alternative would likely prove less feasible to implement. The Reduced Density Alternative would likely be somewhat more easily implemented than the propose Project, as it would entail less commercial and residential development. As noted in Chapter VI, Alternatives, of the EIR, the Reduced-Density Alternative could be achieved through across-the-board reductions in permitted development density or could represent a greater reduction in permitted development on certain parcels (such as parcels containing potential wetlands or important visual features), compared to the Project, while retaining the same level of development on other parcels, as would the Project. If it were based on overall reductions in permitted densities, the Reduced-Density Alternative would provide less flexibility than would the Project in achieving the City's goals. It should be noted that, because the Project would provide for future development but would not directly generate growth or development, discussion of the economic feasibility of alternatives is speculative.

## VII. RECOMMENDATIONS

- A. The Planning Commission recommends that the City Council: (a) adopt the CEQA Findings and Statement of Overriding Considerations contained within and incorporated into this Resolution, (b) approve the Mitigation Monitoring Program, and (c) approve the proposed project.
- B. Following approval of the proposed project by the City Council, the City Manager or designee is hereby authorized and directed upon adoption of the revised General Plan Amendments for the Land Use and Circulation Elements and related amendments to the Dynamite Redevelopment Project Plan, to file a Notice of Determination in the Office of the County Clerk of Contra Costa County and in the State Office of Planning and Research which Notice shall contain the decision of the City Council to approve the General Plan Amendments, the determination of the Council that the Amendments will have a significant effect on the environment, a statement that an Environmental Impact Report has been prepared for these Amendments, a statement of mitigation measures have been required and a statement that overriding considerations have been adopted in the approval of this project.

PASSED AND ADOPTED this 25th day of October, 1995, by the following vote:

AYES:

NOES:

ABSENT:

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William Leong, Vice Chairman, 1995

ATTEST:

Gary Hembree, Secretary

**RESOLUTION NO. 95-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERCULES RECOMMENDING CERTIFICATION OF THE ADEQUACY OF THE FINAL ENVIRONMENTAL IMPACT REPORT NO. 93-1 FOR THE UPDATE OF THE LAND USE AND CIRCULATION ELEMENTS OF THE GENERAL PLAN WITH RELATED AMENDMENTS TO THE DYNAMITE REDEVELOPMENT PROJECT PLAN LOCATED AT VARIOUS PROPERTIES THROUGHOUT THE CITY.**

WHEREAS, the Planning Commission of the City of Hercules has thoroughly considered the Final Environmental Impact Report, for the update of the Land Use and Circulation Elements of the General Plan with related amendments to the Dynamite Redevelopment Project Plan, which has been prepared in accordance with the California Environmental Quality Act ; and

WHEREAS, the Commission has conducted joint meetings with members of the City Council on February 27, March 1, March 8, and June 19, 1995, and received comments from the general public, property owners and interested parties; and

WHEREAS, the Commission has held a duly noticed public hearing and has received and considered oral and written testimony on the environmental impact report; and

WHEREAS, the Commission finds that the information contained within the report does wholly, adequately, and accurately describe and evaluate the proposed project; and

WHEREAS, the comments of the commissioners, members of the public, and interested groups and agencies have been adequately responded to.

WHEREAS, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and mitigations measures from the Mitigation Monitoring Program, as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in the City of Hercules in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Hercules hereby recommends the City Council certify the adequacy of the Final Environmental Impact Report:

1. The Final Environmental Impact Report consists of the initial study, Volumes I and II of the Final Environmental Impact Report, the Environmental Impact Report Addendum, and all documents incorporated by reference therein.

2. The Final Environmental Impact Report was prepared in accordance with the provisions of the California Environmental Quality Act and implementing guidelines.

3. The City has independently reviewed and considered the Final Environmental Impact Report prior to taking action on the proposed project.

4. The information and analysis contained in the Final Environmental Impact Report reflects the City's independent judgment as to the environmental consequences of the proposed project.

5. The documents and other materials constituting the administrative record of proceedings upon which the Planning Commissions's decision is based are located at the Hercules City Hall, 111 Civic Drive, Hercules, CA 94547 and at the offices of the City's environmental consultant, Environmental Science Associates, Inc., 301 Brannan Street, Suite 200, San Francisco, CA 94107.



C124909164

## PLANNING COMMISSION

PASSED AND ADOPTED by the Planning Commission of the City of Hercules on this 25th day of October, 1995, by the following vote:

AYES:

NOES:

ABSENT:

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William Leong, Vice-Chairman, 1995

ATTEST:

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Gary Hembree, Secretary